

**GENERAL PERMIT**  
**MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM**  
**STORMWATER DISCHARGE ASSOCIATED WITH INDUSTRIAL ACTIVITY**  
**(Revised 10/11/05)**

**PLEASE READ THIS PERMIT CAREFULLY!**

To obtain coverage under this permit, two conditions must be met. The first is that the facility must meet at least one of the conditions in the definition of "stormwater discharge associated with industrial activity" (see 06-096CMR 521 § 9(b)(14) see also 40 CFR 122.26(b)(14)). The second is that the discharge of stormwater associated with industrial activity must be a point source (see 38 M.R.S.A. §466(5) (definition of "direct discharge") and 06-096 CMR 520 (definition of point source"), which discharges to a surface water body, wetland or a separate storm sewer system. If both of these conditions are met, then the facility needs to seek coverage under this permit or an individual or alternative General Permit.

**Part I. GENERAL COVERAGE UNDER THIS PERMIT**

- A. Permit Coverage. This General Permit authorizes the direct discharge (point source discharge) of stormwater associated with an industrial activity to the waters of the State other than groundwater, provided that the discharge meets the requirements of this General Permit and applicable provisions of Maine's waste discharge and water classification statutes and rules.

This General Permit is effective October 11, 2005, and authorization to discharge under this General Permit expires October 11, 2010. The Department intends subsequent re-issuance of this Multi-Sector General Permit ("MSGP"). This General Permit applies in those parts of the State for which the Department has received delegated authority under the federal NPDES program. This General Permit replaces EPA's MSGP for Industrial Activities issued October 30, 2000.

B. Eligibility.

1. Except stormwater discharges identified under Part I(B)(3), this permit may cover the following new and existing discharges composed entirely of stormwater discharges.

The permit eligibility is limited to stormwater associated with industrial activity, as defined in 06-096CMR 521 § 9(b)(14) see also 40 CFR 122.26, from the "sectors" of industry based on Standard Industrial Classification (SIC) codes and Industrial Activity Codes as described in Table 1 of the Appendix, and that are specifically identified by outfall or discharge location in the Stormwater Pollution Prevention Plan ("SWPPP"). References to "sectors" in this permit (e.g., sector-specific monitoring requirements, etc.) refer to sectors listed in the above referenced Table 1.

Discharges of stormwater associated with industrial activity are not required to obtain a permit if there is "no exposure" of industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff, and the discharges satisfy the conditions of 40 CFR 122.26 (g). "No exposure" certification must be submitted to the Department if the owner(s) or operator(s) of the Stormwater Discharges Associated with Industrial Activity is seeking conditional exclusion from permit authorization (see Appendix AE).

*Co-located Activities.* If the facility has co-located industrial activities on-site that are described in a sector(s) other than the primary sector, the owner(s) or operator(s) of the facility must comply with all other applicable sector-specific conditions found in Part VI for the co-located industrial activities. The extra sector-specific requirements are applied only to those areas of the facility where the extra-sector activities occur. An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the stormwater regulations, and identified by this permit's SIC code list.

If runoff from co-located activities mixes, the owner(s) or operator(s) of the facility must monitor the discharge as per the requirements of all applicable sectors (regardless of the actual location of the discharge). If the owner(s) or operator(s) of the facility complies with all applicable requirements from all applicable sections of Part VI for the co-located industrial activities, the discharges from these co-located activities are authorized by this permit.

2. Allowable Non-Stormwater Discharges. This permit authorizes the following non-stormwater discharges provided they do not cause or contribute to a violation of water quality standards as determined by the Department; these discharges must be addressed in the SWPPP if they are identified by the permittee as significant contributors of pollutants.

Allowable non-stormwater discharges under this permit are limited to the following: discharges from fire fighting activities; fire hydrant flushings; external building washdown that does not use detergents; lawn watering; uncontaminated ground water; uncontaminated springs; air conditioning condensate; potable waterline flushings; irrigation drainage; uncontaminated foundation or footing drains where flows are not contaminated with process materials, such as solvents, or contaminated by contact with soils, where spills or leaks of toxic or hazardous materials has occurred; and incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains); uncontaminated utility vault dewatering; dechlorinated water line testing water; hydrostatic test water that does not contain any treatment chemicals and is not contaminated with process chemicals. If any of these discharges may reasonably be expected to be present and to be mixed with stormwater discharges, they must be specifically identified and addressed in the facility's SWPPP.

3. Limitations on Coverage. The following stormwater discharges are not authorized by this permit:
  - a. Stormwater discharges associated with industrial activity mixed with other discharges, unless the other discharge is authorized by a different MEPDES permit; or the other discharge is identified in Part I(B)(2) of this permit; or
  - b. Stormwater discharges associated with industrial activity from facilities with existing effluent guideline limitations for stormwater under 40 CFR Subchapter N, except the following discharges subject to an effluent guideline that also meet all other eligibility requirements, and the Department determines the stormwater discharge is eligible for coverage under this permit:

- i. Runoff from material storage piles at cement manufacturing facilities [40 CFR Part 411 Subpart C (established February 23, 1977)];
  - ii. Contaminated runoff from phosphate fertilizer manufacturing facilities [40 CFR Part 418 Subpart A (established April 8, 1974)];
  - iii. Coal pile runoff at steam electric generating facilities [40 CFR Part 423 (established November 19, 1982)];
  - iv. Discharges resulting from spray down or intentional wetting of logs at wet deck areas [40 CFR Part 429 Subpart I (established January 26, 1981)];
  - v. Mine dewatering discharges at crushed stone mines [40 CFR Part 436, Subpart B];
  - vi. Mine dewatering discharges at construction sand and gravel mines [40 CFR Part 436, Subpart C];
  - vii. Mine dewatering discharges at industrial sand mines [40 CFR Part 436, Subpart D];
  - viii. Runoff from asphalt emulsion facilities [40 CFR Part 443, Subpart A (established July 24, 1975)]; and
  - ix. Runoff from landfills [40 CFR Part 445, Subpart A and B (established February 2, 2000)].
- c. Stormwater discharges associated with industrial activity that requires an individual waste discharge permit or is required to obtain coverage under another waste discharge General Permit:
- i. A waste discharge permit may be required for activities such as combined sewer overflows (CSO(s)), spray irrigation, process water treatment systems, metallic mine drainage, and other discharges inadequately covered by this General Permit.
  - ii. The Department may require any person with a discharge authorized by this General Permit to apply for and obtain an individual permit.<sup>1</sup> Any interested person may petition the Department to take action under this paragraph. Examples of when an individual waste discharge permit may be required are specified in rule<sup>2</sup>.
- d. Stormwater discharge(s) that the Department has found to be, or may reasonably be expected to be, contributing to a violation of water quality standards or is a significant contributor of pollutants;
- e. Stormwater discharge(s) associated with industrial activity from facilities where any MEPDES permit has been or is in the process of being denied,

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<sup>1</sup> See 06-096 CMR 529 (2) (B) (3)

<sup>2</sup> See 06-096 CMR 529 (2) (b) (3)

terminated, or revoked by the Department (other than in a replacement permit issuance process). Upon request, the Department may waive this exclusion if owner(s) or operator(s) of the facility has since passed to a different owner(s) or operator(s) and new circumstances at the facility justify a waiver;

- f. Stormwater discharges associated with construction activity including, but not limited to, clearing, grading, excavation, and filling, where total land disturbance is equal to or greater than five (5) acres, and where stormwater runoff discharges into the waters of the State;
- g. Stormwater discharges associated with industrial activity that may adversely affect a listed, or a proposed to be listed, endangered or threatened species or its critical habitat;
- h. Stormwater associated with industrial activity discharging into any water for which a Total Maximum Daily Load (TMDL) has been either established or approved by the EPA unless the stormwater discharges are consistent with that TMDL;
- i. Stormwater associated with industrial activity subject to Anti-degradation Water Quality Standards;
- j. Stormwater discharges to groundwater that do not meet the requirements of 06-096 CMR 500 Appendix D or other General Permit requires an individual waste discharge permit.

C. Authorization. To be covered under this General Permit, owner(s) or operator(s) of stormwater discharges associated with industrial activity must submit to the Department a Notice of Intent (NOI) form by US Postal mail or hand delivery, in accordance with the requirements of Part III of this permit. Upon review of the NOI, the Department may authorize or deny the discharge. If denied, the owner(s) or operator(s) must resubmit or submit an application for an individual or an alternative General Permit. The Department may deny coverage under this permit at any time and require submittal of an application for an individual or an alternative General Permit.

- 1. *Granting of Authorization.* An owner(s) or operator(s) of a facility discharging stormwater associated with industrial activity that was authorized under EPA's October 30, 2000, Storm Water Multi-sector General Permit for Industrial Activities must submit a completed NOI by no later than November 14, 2005. Unless notified by the Department to the contrary, owner(s) or operator(s) who submit such notification are authorized to discharge under the terms and conditions of this permit. These permittees must bring their SWPPP into compliance with this General Permit.

A facility discharging stormwater associated with an industrial activity that was not authorized under EPA's October 30, 2000, Storm Water MSGP for Industrial Activities must submit a completed NOI by no later than November 14, 2005. These permittees must develop and implement a SWPPP that complies with this General Permit. Unless notified by the Department to the contrary, owner(s) or operator(s) who submit such notification are authorized to discharge under the terms and conditions of this permit. A Notice of Intent for permit coverage must be submitted for a new facility or for an existing facility where ownership has been

transferred. A SWPPP must be prepared before submitting the Notice of Intent.

2. *No Exposure Certification.* Facilities with a discharge composed entirely of stormwater where "no exposure" of industrial materials occurs and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff, and the discharge satisfies the conditions at 40 CFR §122.26(g), must submit a MEPDES "no exposure" certification to the Department by no later than November 14, 2005, if the owner(s) or operator(s) of the discharge of stormwater associated with an Industrial Activity is seeking conditional exclusion from permit authorization. At a minimum, the following information must be submitted:
  - a. Owner's or operator's name, mailing address and telephone number;
  - b. Name and location of the facility;
  - c. Primary and secondary (if applicable) SIC code(s); and
  - d. Certification that a condition of no exposure exists on site for any industrial activities.
- D. Termination of Coverage. Owner(s) or operator(s) of facilities must notify the Department, on a form provided by the Department, in writing when discharge(s) of stormwater associated with industrial activity no longer occurs at the facility. At that point, coverage under this permit is terminated. At a minimum, the following information is required to terminate coverage under this permit:
  1. MEPDES stormwater permit number;
  2. Owner's or operator's name, mailing address, and telephone number;
  3. Name and location of the facility; and
  4. Certification that stormwater discharge associated with industrial activity no longer takes place on-site.
- E. Authority. A permit is required for the direct or indirect discharge of pollutants to the waters of the State.<sup>3</sup> A General Permit may be issued for point discharges (direct discharges) of stormwater.<sup>4</sup> A violation of a condition or requirement of this General Permit, or owner(s) or operator(s) who fail to notify the Department of his or her intent to be covered under this General Permit and discharge stormwater associated with industrial activity to waters of the State or to a separate storm sewer system without an individual MEPDES permit, are in violation of Maine's water quality laws and the federal Clean Water Act, and subjects the discharger to penalties under 38 M.R.S.A. § 349 and § 309 of the Clean Water Act. Nothing in this General Permit is intended to limit the Department's authority under the waste discharge and water classification statutes or rules.

## Part II. **PERMIT CONDITIONS**

- A. Stormwater Pollution Prevention Plan (SWPPP). Development of a SWPPP, as described in Part IV of this permit, is required prior to submitting the NOI. Compliance with the SWPPP is required upon the date of authorization to discharge under this permit. A copy of the SWPPP must be kept on site at all times for coverage under this permit to be maintained.
- B. Monitoring Requirements. The owner(s) or operator(s) of the stormwater discharge must review Parts V and VI of this permit to determine which monitoring requirements and numeric limitations apply to the facility. Failure to meet the monitoring requirements under this part of

<sup>3</sup> See 38 M.R.S.A. § 413.

<sup>4</sup> See 06-096 CMR 529(2)(a)(2)(i)

this permit constitutes a violation of this General Permit and the Clean Water Act, and may be subject to enforcement action by the Department.

Only those stormwater discharges subject to the following effluent guidelines listed in the table below are eligible for coverage under this permit provided that activities match the listed activity or SIC code(s) and meet effluent guidelines established in federal regulations.

#### Effluent Guidelines Applicable To Discharges That May Be Eligible For Permit Coverage

Effluent Guidelines	New Source performance standards included in effluent guidelines?	Sectors with affected facilities	SIC or Activity Codes
Runoff from material storage piles at cement manufacturing facilities (40 CFR Part 411 Subpart C (established February 23, 1977))	Yes	E	
Contaminated runoff from phosphate fertilizer manufacturing facilities (40 CFR Part 418 Subpart A (established April 8, 19747))	Yes	C	2874
Coal pile runoff at steam electric generating facilities (40 CFR Part 423 (established November 19, 1982))	Yes	O	SE
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas (40 CFR Part 429, Subpart 1 (established January 26, 1981))	Yes	A	2411
Mine dewatering discharges at crushed stone mines (40 CFR part 436, Subpart B)	No	J	
Mine dewatering discharges at construction sand and gravel mines (40 CFR part 436, Subpart C)	No	J	
Mine dewatering discharges at industrial sand mines (40 CFR part 436, Subpart D)	No	J	
Runoff from asphalt emulsion facilities (40 CFR part 443, Subpart A (established July 24, 1975))	Yes	D	2951, 2952
Runoff from landfills (40 CFR Part 445, Subpart A and B (established February 2, 2000))	Yes	K & L	HZ, LF

### C. Reporting.

#### 1. Reporting Results of Monitoring

Depending on the types of monitoring required for the Sector/facility, the permittee may have to submit the results of the monitoring or the permittee may only have to keep the results with their SWPPP. The permittee's reporting requirements and deadlines are as follows:

- a. Monitoring for Numeric Limitations results must be submitted to the Department by the 15<sup>th</sup> day of the month following the monitoring period; and
- b. Visual Monitoring results must be retained with SWPPP. The results of the visual monitoring must be maintained at the facility, and are submitted to the Department only upon its request.

D. Retention of Records.

1. Documents. In addition to the requirements of Part VII(L) of this permit, the permittee must retain copies of SWPPP and all reports and certifications required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit, for a period of at least three years from the date that the facility's coverage under this permit expires or is terminated. This period may be extended by request of the Department at any time.
2. Accessibility. The permittee must retain a copy of the SWPPP required by this permit (including either a paper or electronic copy of the permit language) at the facility from the date of permit coverage to the date of permit coverage ceases. The permittee must make a copy of the SWPPP available to the public if requested to do so in writing.

- E. Comprehensive Site Evaluation. All facilities, regardless of sector, subject to regulation under this General Permit must perform quarterly site inspections. These quarterly inspections must be performed in accordance with Part IV(K) of this permit to evaluate the effectiveness of the SWPPP. The results of these inspections must be properly recorded and maintained on site for a period of three (3) years from the date that the facility's coverage expires or is terminated. A detailed report must be developed summarizing the scope of the inspection, personnel making the inspection, major observations related to the implementation of the SWPPP, and any actions taken to amend the Plan in accordance with observations made from inspections. The report must identify any incidents of non-compliance and be certified in accordance with Part VII(E) of this permit.

**Part III. NOTICE OF INTENT REQUIREMENTS**

A. Notice of Intent (NOI). By submitting an NOI, the applicant agrees to comply with the standards of this General Permit. An NOI must be submitted to the Department with the appropriate fee, with failure of proper payment resulting in summary rejection of the NOI.

B. Processing of NOI. Prior to any industrial stormwater discharge authorization an NOI must be reviewed and approved by the Department.

The NOI is deemed approved fourteen (14) calendar days after the Department receives the application form, unless the Department approves or denies the NOI prior to that date. If the Department does not speak with or write to the applicant within this 14 day period regarding the NOI, the applicant may proceed to carry out the activity.

C. Submission. A person must file the NOI using a form provided by the Department. A person must sign the NOI in accordance with Part VII(E). The NOI must contain all information specified by the Department, including that listed in this section of the General Permit. The NOI must be sent to the address indicated on the NOI form. A copy of the initial NOI form shall be provided by the applicant to the municipal office of the town or city, or the county commissioners in the case of an unorganized territory, in which the discharge will occur at the time it is submitted to the Department.

D. Contents of Notice of Intent.

1. Permit number assigned to facility under the previous EPA permit, if any;

2. The facility owner's or operator's /contact's name, address, telephone number;
  3. Facility/Site information including name, address and location of the facility, including the latitude and longitude of the facility and status as a Federal, State, Tribal, Private or other public entity;
  4. The name of the receiving water(s), or if the discharge is through a municipal separate storm sewer (MS4), the name of the owner(s) or operator(s) of the storm sewer system and the ultimate receiving water(s), if known;
  5. The primary and secondary (if applicable) SIC that best represents the principal products produced or services rendered by the facility and major co-located activities;
  6. An identification of the applicable sector(s); and
  7. Additional information may be required by the Department to be included as part of the NOI, if the Department determines that such information is reasonably necessary to determine whether or not to authorize the discharge under this permit.
- E. Where to Submit. A completed and signed NOI, in accordance with Part VII(E), must be submitted to:
- Maine Department of Environmental Protection  
Stormwater Coordinator  
17 State House Station  
Augusta ME 04333-0017
- F. Deficient NOI. If any portion of the NOI does not meet one or more of the minimum requirements of this part, then the applicant will be notified of the deficiency within the review period. It is the responsibility of the applicant to make all required changes and resubmit the NOI. The review period will recommence upon the received submittal date of the revised NOI.

#### **Part IV. STORMWATER POLLUTION PREVENTION PLAN REQUIREMENTS**

- A. Stormwater Pollution Prevention Plan. A SWPPP must be developed for each facility covered by this permit. The SWPPP must be prepared in accordance with good engineering practices and identify potential sources of pollutants, which may reasonably be expected to affect the quality of stormwater discharges associated with industrial activity from the facility. In addition, the Plan must describe and ensure the implementation of Best Management Practices (BMPs) as identified in this Part, which are to be used to reduce or eliminate the pollutants in stormwater discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit.
- B. SWPPP signature. The SWPPP shall be signed in accordance with Part VII(E) of this permit and retained on-site for a period of at least three (3) years from the date that the facility's coverage under this permit expires or is terminated. Owners or operators of a facility with stormwater discharges covered by this permit shall make plans available upon request to the Department or in the case of a stormwater discharge associated with industrial activity, which discharges through a municipal separate storm sewer system with a MEPDES stormwater permit, to the wastewater authority having jurisdiction for the



sewerage system.

- C. Department review. Department staff may notify the permittee at any time that a SWPPP is determined not to meet one or more of the minimum requirements of this Part. After such notification from the Department, the permittee shall make changes to the Plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have sixty (60) days after such notification to make the necessary changes.
- D. Amending the SWPPP. The permittee shall amend the SWPPP within sixty (60) days whenever there is a change in design, construction, operation, or maintenance at the facility, which has a significant effect on the potential for the discharge of pollutants to the waters of the State; a release of reportable quantities of hazardous substances and oil (see 38 M.R.S.A. § 543, 550 and 1318-B); or if the SWPPP proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with industrial activity. Changes must be noted and incorporated into the SWPPP.
- E. SWPPP preparation. Each facility seeking coverage under this permit must prepare a SWPPP as described in Part IV(F) prior to submitting Notice of Intent for permit coverage. The SWPPP must:
1. Identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the facility;
  2. Describe and ensure implementation of practices which the permittee will use to reduce the pollutants in stormwater discharges from the facility; and
  3. Assure compliance with the terms and conditions of this permit.
- F. Contents of the SWPPP.
1. **Pollution Prevention Team.** The SWPPP must identify the staff individual(s) (by name or title) that comprise the facility's stormwater Pollution Prevention Team. The Pollution Prevention Team is responsible for assisting the facility/plant manager in developing, implementing, maintaining and revising the facility's SWPPP. Responsibilities of each staff individual on the team must be listed.
  2. **Site Description.** The SWPPP must include the following:
    - a. *Activities at Facility.* Description of the nature of the industrial activity(ies) at the facility;
    - b. *A site map identifying the following:*
      - i. Directions of stormwater flow (e.g., use arrows to show which ways stormwater will flow);
      - ii. Delineation of impervious surfaces;
      - iii. Locations of all existing structural BMPs to reduce pollutants in stormwater runoff;
      - iv. Locations of all surface water bodies;

- v. Locations of all separate storm sewers;
- vi. Locations of potential pollutant sources identified under Part IV(F)(4) and where significant materials are exposed to precipitation;
- vii. Locations where major spills or leaks identified under Part IV(F)(5) have occurred within the past three years;
- viii. Locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, and liquid storage tanks;
- ix. Locations of stormwater conveyance systems/outfalls including boat ramps and an approximate outline of the area draining to each outfall;
- x. Location and description of non-stormwater discharges;
- xi. Locations of the following activities where such activities are exposed to precipitation: processing and storage areas; access roads, rail cars and tracks; the location of transfer of substance in bulk; and machinery; and
- xii. Location and source of runoff from adjacent property containing significant quantities of pollutants of concern to the facility (an evaluation of how the quality of the stormwater running onto the facility impacts the stormwater discharges may be included).

3. Receiving Waters and Wetlands.

The name of the nearest receiving water(s), including intermittent streams and wetland(s) that may receive discharges from the facility. An unnamed stream or wetland must be designated as such.

4. Summary of Potential Pollutant Sources.

The permittee shall identify each separate area at the facility where industrial materials or activities are exposed to stormwater. Industrial materials or activities include, but are not limited to, material handling equipment or activities; industrial machinery; storage, cleaning, fueling and maintenance of vehicles and equipment storage; and raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. For each, separate area identified, the description must include:

- a. *Activities in Area.* A list of the activities (e.g., material storage, loading, access areas, equipment fueling and cleaning, cutting steel beams);
- b. *Pollutants.* A list of the associated pollutant(s) or pollutant parameter(s) (e.g., crankcase oil, iron, biochemical oxygen demand, pH, etc.) for each

activity. The pollutant list must include all significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to stormwater between the time of three (3) years before being covered under this permit and the present;

- c. *Method of on-site storage or disposal.* A list of raw materials, intermediate materials, final products and waste materials and products.
- d. *Direction of flow.* For each area of the facility that generates stormwater discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow and an estimate of the types of pollutants, which are likely to be present in the stormwater discharge.

5. Spills and Leaks.

The permittee shall clearly identify areas where potential spills and leaks, which can contribute pollutants to stormwater discharges, can occur, and their accompanying drainage points. For areas that are exposed to precipitation or that otherwise drain to a stormwater conveyance at the facility to be covered under this permit, the permittee must provide a list of spills and leaks of toxic or hazardous pollutants that occurred during the three (3) year period prior to the date of the submission of a Notice of Intent (NOI). The list must be updated if spills or leaks occur in exposed areas of the facility during the time the permittee is covered by this permit.

Spills and leaks include, but are not limited to releases of oil or hazardous substances in excess of quantities that are reportable under CWA §311 (see 40 CFR 110.10 and 40 CFR 117.21), section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or 38 M.R.S.A. §§ 543, 550 and 1318-B. Spills may also include releases of oil or hazardous substances that are not in excess of reporting requirements.

6. Sampling Data.

The permittee shall provide a summary of existing stormwater discharge sampling data taken at the facility. All stormwater sampling data associated with effluent guidelines collected during the term of this permit must also be annually summarized and included in this part of the SWPPP as an update.

7. Stormwater Controls.

- a. *Description of Existing and Planned BMPs.* Describe the type and location of existing non-structural and structural best management practices (BMPs) selected for each of the areas where industrial materials or activities are exposed to stormwater. All the areas identified in Part IV(F)(4) must have a BMP(s) identified for the area's discharges. For areas where BMPs are not currently in place, describe appropriate BMPs that the permittee will use to control pollutants in stormwater discharges. The SWPPP must include a schedule for the implementation of all proposed BMPs. Selection of BMPs must take into consideration:

- i. The quantity and nature of the pollutants, and their potential to

impact the water quality of receiving waters;

- ii. Opportunities to combine the dual purposes of water quality protection and local flood control benefits (including physical impacts of high flows on streams - e.g., bank erosion, impairment of aquatic habitat, etc.); and
- iii. Opportunities to offset the impact of impervious areas of the facility on dry weather flows and low flows in local streams.

- b. *BMP Types to be Considered.* The following types of structural, non-structural and other BMPs must be considered for implementation at the facility. Describe how each is, or will be, implemented. This requirement may have been fulfilled with the area-specific BMPs identified under Part IV(F)(7)(a), in which case the previous description is sufficient. However, many of the following BMPs may be more generalized or non site-specific and therefore not previously considered. If the permittee determines that any of these BMPs are not appropriate for the facility, an explanation of why they are not appropriate must be included. The BMP examples listed below are not intended to be an exclusive list of BMPs that the permittee may use. The permittee is encouraged to keep abreast of new BMPs or new applications of existing BMPs to find the most cost effective means of permit compliance for the facility. If BMPs are being used or planned at the facility which are not listed here (e.g., replacing a chemical with a less toxic alternative, adopting a new or innovative BMP, etc.), include descriptions of them in this section of the SWPPP.

- i. Non-Structural BMPs.

*Good Housekeeping:* The permittee must keep all exposed areas of the facility in a clean, orderly manner where such exposed areas could contribute pollutants to stormwater discharges. Common problem areas include: around trash containers, storage areas and loading docks. Measures must also include: a schedule for regular pickup and disposal of garbage and waste materials; routine inspections for leaks and conditions of drums, tanks and containers as well as regular sweeping of impervious areas.

*Minimizing Exposure:* Where practicable, industrial materials and activities should be protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, or runoff. NOTE: Eliminating exposure at **all** industrial areas may make the facility eligible for the “No Exposure” exclusion from needing to have a permit.

*Preventive Maintenance:* The permittee must have a preventive maintenance program which includes timely inspection and maintenance of stormwater management devices, (e.g., cleaning oil/water separators, catch basins) as well as inspecting, testing, maintaining and repairing facility equipment and systems to avoid breakdowns or failures that may result in discharges of pollutants to surface waters.

*Spill Prevention and Response Procedures:* The permittee must

describe the procedures that will be followed for cleaning up spills or leaks. Those procedures, and necessary spill response equipment, must be made available to those employees that may cause or detect a spill or leak. Where appropriate, the permittee must explain existing or planned material handling procedures, storage requirements, secondary containment, and equipment (e.g., diversion valves), which are intended to minimize spills or leaks at the facility. Measures for cleaning up hazardous material spills or leaks must be consistent with applicable RCRA regulations at 40 CFR Part 264 and 40 CFR Part 265.

*Employee Training:* The permittee shall describe the stormwater employee training program for the facility. The description must include the topics to be covered, such as spill response, good housekeeping and material management practices, and must identify periodic dates (e.g., every 6 months during the months of July and January) for such training. The permittee shall provide employee training for all employees that work in areas where industrial materials or activities are exposed to stormwater, and for employees that are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance people). The employee training must inform them of the components and goals of the SWPPP.

ii. Structural BMPs.

*Sediment and Erosion Control:* The permittee shall identify the areas at the facility which, due to topography, land disturbance (e.g., construction), or other factors, have a potential for significant soil erosion. The permittee must describe the structural, vegetative, and/or stabilization BMPs that the permittee will be implementing to limit erosion.

NOTE: The Department has guidance materials available including Best Management Practice Manuals that may aid a person in completing these requirements.

*Management of Runoff:* The permittee shall describe the stormwater management practices (permanent structural BMPs other than those which control the generation or source(s) of pollutants) that currently exist or that are planned for the facility. These types of BMPs typically are used to divert, filter, reuse, or otherwise reduce pollutants in stormwater discharges from the site. All BMPs that the permittee determines are reasonable and appropriate, or are required by a State or local authority; or are necessary to maintain eligibility for the permit (see Part I(B)(3) - Limitations on Coverage) must be implemented and maintained. Factors to consider when the permittee is selecting appropriate BMPs should include: 1) the industrial materials and activities that are exposed to stormwater, and the associated pollutant potential of those materials and activities; and 2) the beneficial and potential detrimental effects on surface water quality, ground water quality, receiving water base flow (dry weather stream flow), and physical

integrity of receiving waters. Structural measures should be placed on upland soils, avoiding wetlands and floodplains, if possible. Structural BMPs may require a separate permit pursuant to the Natural Resources Protection Act (“NRPA”) before installation begins.

*Example BMPs:* BMPs the permittee may use include but are not limited to: stormwater detention structures (including wet ponds); stormwater retention structures, including bio-retention areas; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices).

If the standards in Chapter 500, Appendix D or other General Permit are not met, a waste discharge permit is required for discharges to groundwater.

iii. Other Controls.

No solid materials, including floatable debris, may be discharged to waters of the State, except as authorized by a permit issued under section 404 of the CWA. Off-site vehicle tracking of raw, final, or waste materials or sediments, and the generation of dust must be minimized. Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas must be minimized. Velocity dissipation devices must be placed at discharge locations and along the length of any outfall channel if they are necessary to provide a non-erosive flow velocity from the structure to a water course.

G. Maintenance.

All BMPs the permittee identifies in the SWPPP must be maintained in effective operating condition. If site inspections required by Part IV(K) identify BMPs that are not operating effectively, maintenance must be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of stormwater controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable. The Department will take into account the size and cost of the project, the need to obtain supplies, construction timeframes, weather, the amount of pollution discharged and the condition of receiving waters. In the case of non-structural BMPs, the effectiveness of the BMP must be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).

H. Non-Stormwater Discharges.

1. Allowable Non-Stormwater Discharges.

- a. Certain sources of non-stormwater are allowable under this permit (see Part I(B)(2) - Allowable Non-Stormwater Discharges). In order for these discharges to be allowed, the SWPPP must include:

- i. Identification of each allowable non-stormwater source;

- ii. The location where it is likely to be discharged; and
  - iii. Descriptions of appropriate BMPs for each source.
- b. Except for flows from fire fighting activities, the permittee must identify in the SWPPP all sources of allowable non-stormwater that are discharged under the authority of this permit.
  - c. If the permittee includes mist blown from cooling towers amongst the allowable non-stormwater discharges, the permittee must specifically evaluate the potential for the discharges to be contaminated by chemicals used in the cooling tower and determine that the levels of such chemicals in the discharges would not cause or contribute to a violation of an applicable water quality standard after implementation of the BMPs the permittee has selected to control such discharges.

J. Applicable State or local Plans.

The SWPPP must be consistent (and updated as necessary to remain consistent) with applicable State and/or local stormwater, waste disposal, sanitary sewer or septic system regulations to the extent these apply to the facility and are more stringent than the requirements of this permit.

K. Comprehensive Site Compliance Evaluation.

1. Frequency of Inspections

The permittee must conduct facility inspections at least four (4) times a year. These inspections must be evenly spaced with a minimum of sixty (60) days between facility inspections. The inspections must be done by qualified personnel provided by the permittee. The qualified personnel the permittee uses may be either the facility's employees or outside consultants that the permittee has hired, provided they are knowledgeable and possess the skills to assess conditions at the facility that could impact stormwater quality and assess the effectiveness of the BMPs the permittee has chosen to use to control the quality of the stormwater discharges. These inspections may be conducted in conjunction with Part (V)(A)(1), Quarterly Visual Monitoring, or conducted separately. If the permittee decides to conduct more frequent inspections, the SWPPP must specify the frequency of inspections.

2. Scope of the Compliance Evaluation.

The inspections must include all areas where industrial materials or activities are exposed to stormwater, as identified in Part IV(F)(4), and areas where spills and leaks have occurred within the past 3 years. Inspectors must look for: a) industrial materials, residue or trash on the ground that could contaminate or be washed away in stormwater; b) leaks or spills from industrial equipment, drums, barrels, tanks or similar containers; c) offsite tracking of industrial materials or sediment where vehicles enter or exit the site; d) tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas; and e) for evidence of, or the potential for, pollutants entering the drainage system. Results of both visual and any analytical monitoring done during the year must be taken into

consideration during the evaluation. Stormwater BMPs identified in the SWPPP must be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they must be inspected to see whether BMPs are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations must be inspected if possible.

3. Follow-up Actions.

Based on the results of the inspection, the permittee must modify the SWPPP as necessary (e.g., to show additional controls on map required by Part IV(F)(2)(b); revise description of controls required by Part IV(F)(7) to include additional or modified BMPs to correct problems identified). The permittee must complete revisions to the SWPPP and implement non-structural BMPs within 60 calendar days following the inspection. If existing structural BMPs need to be modified or if additional structural BMPs are necessary, implementation must be completed before the next anticipated storm event, if practicable, but not more than twelve (12) weeks after completion of the comprehensive site evaluation. Notwithstanding the timeframes described above, the Department reserves the right to take appropriate enforcement actions for unpermitted discharges and non-compliance with the requirements of this permit.

4. Compliance Evaluation Report.

The permittee must ensure a report summarizing the scope of the inspection, name(s) or positions of personnel making the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWPPP is completed and retained as part of the SWPPP for at least three (3) years from the date permit coverage expires or is terminated. Major observations must include, but are not limited to: the location(s) of discharges of pollutants from the site; location(s) of BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and location(s) where additional BMPs are needed that did not exist at the time of inspection. The permittee must retain a record of actions taken in accordance with Part IV(L) of this permit as part of the SWPPP for at least three (3) years from the date that permit coverage expires or is terminated. The inspection reports must identify any incidents of non-compliance. Where an inspection report does not identify any incidents of non-compliance, the report must contain a certification that the facility is in compliance with the SWPPP and this permit. Both the inspection report and any reports of follow-up actions must be signed in accordance with Part VII(E) (reporting) of this permit.

L. Maintaining Updated SWPPP.

The permittee must amend the SWPPP whenever:

1. There is a change in design, construction, operation, or maintenance at the facility that has a significant effect on the discharge, or potential for discharge, of pollutants from the facility;
2. During inspections, monitoring, or investigations by the permittee or by local, State, or Federal officials it is determined the SWPPP is ineffective in eliminating or significantly minimizing pollutants from sources identified under Part IV(F)(4), or is



otherwise not achieving the general objectives of controlling pollutants in discharges from the facility; and

3. A discharge authorized under this permit that is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, after notification by the Department. The SWPPP must document actions necessary to ensure future discharges do not cause or contribute to the violation of a water quality standard.

M. Signature, Plan Review and Making Plans Available.

1. The SWPPP must be signed in accordance with Part VII(E), and retained on-site at the facility covered by this permit (see Part II(D) for records retention requirements).
2. The permittee shall keep a copy of the SWPPP on-site or locally available to the Department for review at the time of an on-site inspection. The permittee shall make the SWPPP available upon request to the Department, a Federal, State, or local agency approving stormwater management plans, or the owner(s) or operator(s) of a municipal separate storm sewer receiving discharge from the site. Also, in the interest of the public's right to know, the permittee shall provide a copy of the SWPPP to the public if requested in writing to do so.
3. The Department may notify the permittee during or after site inspections that the SWPPP does not meet one or more of the minimum requirements of this permit. The notification will identify provisions of this permit which are not being met, as well as the required modifications. Within sixty (60) calendar days of receipt of such notification, the permittee must make the required changes to the SWPPP and notify the Department when these changes have been made.

N. Additional Requirements for SARA Title III Facilities.

Potential pollutant sources for which the permittee has reporting requirements under EPCRA 313 must be identified in the summary of potential pollutant sources as per Part IV(F)(4). Note this additional requirement only applies to the permittee if the permittee is subject to reporting requirements under EPCRA 313.

- O. Additional Requirements for Salt Storage Piles. If storage piles of salt used for deicing or other commercial or industrial purposes are located at the facility, they must be enclosed or covered to prevent exposure to precipitation (except for exposure resulting from adding or removing materials from the pile).

NOTE: For additional requirements for road salt and sand and salt storage see 06-096 CMR 574, and 38 M.R.S.A. §413(2-D).

**Part V. MONITORING REQUIREMENTS AND NUMERIC LIMITATIONS**

The monitoring requirements and numeric limitations applicable to the facility depend on the types of industrial activities generating stormwater runoff from the facility. Part II(B) identifies monitoring requirements applicable to specific sectors of industrial activity. **The permittee must review Parts II and V of this permit to determine which monitoring requirements and numeric limitations apply to the facility.** Unless otherwise specified, limitations and monitoring requirements under Parts II and V are additive.

Sector-specific monitoring requirements and limitations are applied discharge by discharge at facilities with co-located activities. Where stormwater from the co-located activities is mixed, the monitoring requirements and limitations are additive. Where more than one numeric limitation for a specific parameter applies to a discharge, compliance with the more restrictive limitation is required.

During permit year one (1), Maine DEP will issue guidelines, including standard operating procedures (SOPs) and documentation requirements, related to mandatory quarterly visual monitoring and effluent guidelines in Part II(B) and appendices A, C, D, E, J, K, L, and O. The purpose of these guidelines is to assure the quality of observational reports and effluent data. Facility owner(s) or operator(s) will be required to follow the guidelines and procedures in fulfilling the monitoring requirements of Parts V and VI of this General Permit.

In addition to the guidelines and SOPs required for visual monitoring, facilities subject to effluent guidelines that are required to collect effluent samples for laboratory analysis, the Department will issue additional guidelines and SOP's. During compliance inspections, facility staff may be asked to demonstrate correct implementation of the guidelines and procedures.

A. Types of Monitoring Requirements and Limitations.

1. Quarterly Visual Monitoring.

The requirements and procedures for quarterly visual monitoring are applicable to all facilities covered under this permit, regardless of the facility's sector of industrial activity.

- a. The permittee must perform and document a quarterly visual examination of a stormwater discharge associated with industrial activity from each outfall, except discharges exempted below. The visual examination must be made during daylight hours (e.g., normal working hours). If no storm event resulted in runoff from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided the permittee documents in the monitoring records that no runoff occurred. The permittee must sign and certify the documentation in accordance with Part VII(E).
- b. The visual examinations must be made of samples collected within the first sixty (60) minutes (or as soon thereafter as practicable, but not to exceed 2.25 hours) of when the runoff or snowmelt begins discharging from the facility. The examination must document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. The examination must be conducted in a well lit area. No analytical tests are required to be performed on the samples. All such samples must be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The 72-hour storm interval is waived when the preceding measurable storm did not yield a measurable discharge, or if the permittee is able to document that less than a 72-hour interval is representative for local storm events during the sampling period. Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit

term. If no qualifying storm event resulted in runoff from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided the permittee documents in the monitoring records that no qualifying storm event occurred that resulted in stormwater runoff during that quarter. The permittee must sign and certify the documentation in accordance with Part VII(E).

- c. The permittee must maintain the visual examination reports onsite with the SWPPP. The report must include the examination date and time, examination personnel, the nature of the discharge (i.e., rain runoff or snow melt), visual quality of the stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution), and probable sources of any observed stormwater contamination.

2. Coal Pile Runoff.

- a. If the facility has discharges of stormwater from coal storage piles, the permittee must comply with the limitations and monitoring requirements of Table 2 for all discharges containing the coal pile runoff, regardless of the facility's sector of industrial activity.
- b. The permittee must not dilute coal pile runoff with stormwater or other flows in order to meet this limitation.
- c. If the facility is designed, constructed and operated to treat the volume of coal pile runoff that is associated with a 10-year, 24-hour rainfall event, any untreated overflow of coal pile runoff from the treatment unit is not subject to the 50 mg/L limitation for total suspended solids.
- d. The permittee shall collect and analyze the samples in accordance with Parts V(B)(2). Results of the testing must be retained and reported in accordance with Part II(D), VII(L) and VII(R).

3. Compliance Monitoring for Discharges Subject to Numerical Effluent Limitation Guidelines.

The appropriate sector of the Appendix of the permit identifies stormwater discharges subject to effluent limitation guidelines that are authorized for coverage under the permit. Facilities subject to stormwater effluent limitation guidelines are required to monitor such discharges to evaluate compliance with numerical effluent limitations. Industry-specific numerical limitations and compliance monitoring requirements are described in Part VI of the permit.

B. Monitoring Instructions.

1. Monitoring Periods.

If the permittee is required to conduct monitoring on an annual basis, the permittee must collect the samples within the following time periods (unless otherwise specified in Part VI):

- the monitoring year is from October 1 to September 30
- if the permit coverage was effective less than sixty (60) days from the end of the yearly monitoring period, the first monitoring period starts with the next respective monitoring period. (e.g., if permit coverage begins August 5<sup>th</sup>, the permittee would not need to start annual monitoring until the October - September year)

## 2. Collection and Analysis of Samples.

The permittee must assess the sampling requirements on an outfall by outfall basis. The permittee must collect and analyze the samples in accordance with the requirements of Part VII(L).

- Sample Procedures.* Take a minimum of one grab sample from the discharge associated with industrial activity resulting from a storm event with at least 0.1 inch of precipitation (defined as a “measurable” event), providing the interval from the preceding measurable storm is at least 72 hours. The 72-hour storm interval is waived when the preceding measurable storm did not yield a measurable discharge, or if the permittee is able to document that less than a 72-hour interval is representative for local storm events during the sampling period.

Take the grab sample during the first sixty (60) minutes of the discharge. Ideally samples should be acquired during the first thirty (30) minutes of discharge. If it is not practicable to take the sample during the first 30 minutes, sample during the first hour of discharge and describe why a grab sample during the first 30 minutes was impracticable. Submit this information on or with a discharge monitoring report (see Part II(C)(1)). If the sampled discharge commingles with process or non-process water, attempt to sample the stormwater discharge before it mixes with the non-stormwater.

To get help with monitoring, consult EPA’s *Guidance Manual for the Monitoring and Reporting Requirements of the NPDES Stormwater MSGP* available at: <http://www.epa.gov/npdes/pubs/dmr-fin.pdf>

## 3. Representative Outfalls - Essential Identical Discharges.

If the facility has two (2) or more outfalls that the permittee believes discharge substantially identical effluents, based on similarities of the industrial activities, significant materials or stormwater management practices occurring within the outfalls’ drainage areas, the permittee may test the effluent of just one of the outfalls during that sampling period, provided that subsequent samples are taken from a different substantially identical outfall(s) during each successive monitoring period, and report that the quantitative data also applies to the substantially identical outfall(s). For this to be permissible, the permittee must describe in the SWPPP and include the following: locations of the outfalls; why the outfalls are expected to discharge substantially identical effluents; estimates of the size of the drainage area (in square feet) for each of the outfalls; and an estimate of the runoff coefficient of the drainage areas (low: under 40 percent; medium: 40 to 65 percent; high: above 65 percent).

- C. General Monitoring Waivers. Unless specifically stated otherwise, the following waivers may be applied to any monitoring required under this permit.

1. Adverse Climatic Conditions Waiver

When adverse weather conditions prevent the collection of samples, take a substitute sample during a qualifying storm event in the next monitoring period, or four samples per monitoring year when weather conditions do not allow for samples to be spaced evenly with a minimum of sixty (60) days between sampling events during the year. Adverse conditions (i.e., those which are dangerous or create inaccessibility for personnel) may include such things as local flooding, high winds, electrical storms, or situations which otherwise make sampling impracticable such as drought or extended frozen conditions.

D. Monitoring Required by the Department.

The Department may provide written notice to any facility, including those otherwise exempt from the sampling requirements of Parts V and VI, requiring discharge sampling for a specific monitoring frequency for specific parameters. Any such notice will briefly state the reasons for the monitoring, parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

E. Reporting Monitoring Results.

Deadlines and procedures for submitting monitoring reports are contained in Part II(C).

**Part VI. SECTOR-SPECIFIC REQUIREMENTS FOR INDUSTRIAL ACTIVITY**

The permittee needs to comply with the additional requirements of Part VI that apply to the Sector(s) of Industrial Activity at the facility. These sector-specific requirements are in addition to the “basic” requirements specified in Parts I-V and the General Permit Requirements in Part VII of this permit. Sector specific requirements may be found in appendices A-AD

**Part VII. GENERAL REQUIREMENTS**

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance may constitute a violation of Maine’s water quality laws, General Laws, and the federal Clean Water Act and opens the discharger to penalties under 38 M.R.S.A. § 349, and § 309 of the Clean Water Act and is grounds for enforcement action. Enforcement action may include termination of authorization to discharge under the General Permit, requirement that certain actions be taken in order to continue coverage, denial of re-authorization, penalties, or other action.
1. The permittee shall comply with effluent standards or prohibitions established under section 307 (a) of the Clean Water Act, and 38 M.R.S.A., § 420 or Chapter 530.5 for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
  2. Any person who violates any provision of the laws administered by the Department, including without limitation, a violation of the terms of any order, rule, license, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 M.R.S.A. § 349.

- B. Continuation of the Expired General Permit. Provided the permittee has reapplied in accordance with paragraph C of this Part, an expired General Permit continues in force and effect until a new General Permit is issued. Only those facilities previously authorized to discharge under the expired permit are covered by the continued permit.
- C. Duty to Reapply. If the permittee wishes to continue an activity regulated by this General Permit after the expiration date of this General Permit, the permittee must apply for and obtain coverage under a new permit.
- D. Other applicable conditions. The conditions in 06-096 CMR 523(2), also apply to discharges pursuant to this General Permit and are incorporated herein as if fully set forth. These conditions address areas such as: duty to comply; need to reduce or halt activity not a defense; duty to mitigate; permit actions; property rights; duty to provide information; and inspection and entry.
- E. Signatory Requirements. All Notices of Intent, SWPPPs, reports, certifications or information either submitted to the Department, or that this permit requires to be maintained by the permittee, shall be signed and certified in accordance with 06-096 CMR 521(5).
- F. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA. 38 M.R.S.A. § 543, 550, and 1318-B.
- G. Release in Excess of Reportable Quantities. If a release in excess of reportable quantities occurs, the permittee must notify the Department immediately. This permit does not relieve the permittee of the reporting requirements of 40 CFR 117, 40 CFR 302 and 38 M.R.S.A. § 543, 550 and 1318-B. The discharge of hazardous substances in the stormwater discharge(s) from a facility shall be minimized in accordance with the applicable SWPPP for the facility, and in no case, during any 24-hour period, shall the discharge(s) contain a hazardous substance equal to or in excess of reportable quantities.
- H. Severability. The conditions of this General Permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
- I. Transfers of Permit. This permit is not transferable to any person except after notice to the Department and approval.
- J. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law.
- K. Proper Operations and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of SWPPPs. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operations of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

L. Monitoring and Records.

1. Samples and measurements taken for the purpose of monitoring shall be representative of the volume and nature of the discharge over the sampling and reporting period.
2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings from continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date that the facility's coverage under this General Permit expires or is terminated. This period may be extended by request of the Department at any time.
3. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.
4. Monitoring must be conducted according to test procedures approved under 40 CFR 136 and applicable Maine regulations, unless other test procedures have been specified in this permit.

M. Bypass of Stormwater Control Facilities

1. *Anticipated Bypass.* If the permittee knows in advance of the need for a bypass, he or she shall notify this Department in writing at least ten days prior to the date of the bypass. Such notice shall include the anticipated quantity and the anticipated effect of the bypass.
2. *Unanticipated Bypass.* The permittee shall submit notice of an unanticipated bypass. Any information regarding the unanticipated bypass shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within five (5) days of the time the permittee became aware of the bypass. The written submission shall contain a description of the bypass and its cause; the period of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.
3. *Prohibition of Bypass.*
  - a. Bypass is prohibited and enforcement action against the permittee may be taken for the bypass unless:
    - i. The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
    - ii. There were no feasible alternatives to the bypass, such as the use of

auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee should, in the exercise of reasonable engineering judgment, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

iii. The permittee submitted notices as required in paragraphs VII(M)(1) and VI(M)(2) above<sup>5</sup>.

b. The Department may approve an anticipated bypass after considering its adverse effects, if the Department determines that it will meet the three conditions of paragraph VII(M)(3) above.

N. Upset Conditions.

1. Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part VII(N)(3) of this permit are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

3. Conditions necessary for a demonstration of upset. A permittee who wishes to establish an affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

- a. An upset occurred and the permittee can identify the specific causes(s) of the upset;
- b. The permitted facility was at the time being properly operated; and
- c. The permittee submitted notice of the upset within 24 hours.<sup>6</sup>
- d. The permittee complied with any remedial measures required.<sup>7</sup>

4. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

O. Inspection and Entry. Employees and agents of the Department may enter any property at reasonable hours in order to determine compliance.<sup>8</sup>

P. Reopener. This permit may be modified or reopened as provided in 38 M.R.S.A. § 414-A(5).

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<sup>5</sup> See 06-096CMR 523(2)(m).

<sup>6</sup> See 06-096CMR 529 § (2)(n)

<sup>7</sup> ID

<sup>8</sup> See 38 M.R.S.A. §347-C(in part).



Q. Requiring an Individual Permit or an Alternative General Permit.

1. The Department may require any owner(s) or operator(s) authorized to discharge stormwater under this permit to apply for and obtain either an individual MEPDES permit or an alternative General Permit. Any interested person may petition the Department to take action under this paragraph.
2. Any owner(s) or operator(s) authorized to discharge stormwater by this permit may request to be excluded from coverage of this permit by applying for an individual permit. The request may be granted by issuance of an individual permit.
3. If a facility requests or is required to obtain coverage under an individual permit, then authorization to discharge stormwater under this permit shall automatically be terminated on the date of issuance of the individual permit. Until such time as an alternative permit is issued, the existing General Permit remains fully in force.

R. Availability of Reports. Except for data determined to be confidential under Part VII(S) below, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the DEP at 28 Tyson Drive, Augusta Maine. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in penalties including the possibility of fine and imprisonment.

S. Confidentiality of Information.

1. Any information submitted to the Department pursuant to these regulations may be claimed as confidential by the submittee. Any such claim must be asserted at the time of the submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the Department may make the information available to the public without further notice.
2. A claim of confidentiality will be denied unless the department determines that the information may be withheld in accordance with 38 M.R.S.A. 414 (6), Confidentiality of records, and 38 M.R.S.A. 401 et. seq., Freedom of Access.:

T. Right to Appeal. All final license or permit decisions made by the commissioner may be appealed to the Board of Environmental Protection pursuant to Title 38, § 341-D(4).

U. Notice Required. Prior to discharging under the terms of a General Permit, a person must file with the Department an initial Notice of Intent (NOI) for coverage on a form provided by the Department for the specific discharge category. A copy of the initial NOI form shall be provided by the applicant to the municipal office of the town or city, or the county commissioners in the case of unorganized territory in which the discharge will occur at the time it is submitted to the Department. A check for the appropriate fee amount must accompany each NOI in order for the application for coverage under the General Permit to be considered complete.

V. Effective Date of Coverage. The Department must notify an applicant for coverage under a General Permit within 14 days of receipt of each complete NOI as to whether or not coverage for the specific discharge is accepted. If the Department does not notify the

applicant within 14 days, the NOI is deemed to be accepted and coverage is granted. In the event coverage is not granted, the Department shall notify the applicant of the reasons for not granting coverage. Discharges not acceptable for General Permit coverage may apply for issuance of an individual discharge permit.

- W. Continuing Coverage. Coverage under an existing General Permit will be continued upon payment of an applicable annual fee, provided there are no changes in the discharge as described in the NOI. If changes occur or are proposed, the person having filed the NOI must notify the Department, as specified in the General Permit, persons wishing to continue coverage must so notify the Department.
- X. Transfers of Ownership. In the event that the ownership of a discharge is transferred to a new owner(s) or operator(s), coverage under a General Permit may be transferred by notifying the Department in writing, provided the new owner(s) or operator(s) proposes no changes in the discharge. If changes in the discharge are proposed, a new NOI must be filed.
- Y. General Restrictions. A discharge covered by a General Permit may not:
1. Be to a body of water classified as Class GPA, AA, A or SA;<sup>9</sup>
  2. Be to a body of water having a drainage area of less than 10 square miles;<sup>10</sup>
  3. Contain any pollutant, including toxic substances, in quantities or concentrations which may cause or contribute to any adverse impact on the receiving water;
  4. Be to a receiving water which is not meeting its classification standard for any characteristic which may be affected by the discharge; or
  5. Impart color, taste, turbidity, radioactivity, settleable materials, floating substances, or other properties that cause the receiving water to be unsuitable for the designated uses ascribed to its classification.
- Z. Sampling and Test Procedures. Where a General Permit requires sampling and testing of an effluent of other waste stream, all samples and measurements shall be representative of the volume and nature or the activity being monitored. The sampling, preservation, handling and analytical methods used must conform with Standard Methods for the Examination of Water and Waste Water, American Public Health Association, Washington D.C., latest approved edition or methods referenced in 40 CFR Part 136. However, different but equivalent methods are allowable if they receive prior written approval from the Department.
- AA. Monitoring Requirements. In addition to monitoring required by the conditions of specific General Permit, the Department may require additional monitoring of an individual discharge as may be reasonably necessary in order to characterize the nature, volume or other attributes of that discharge or its sources.
- BB. Removed Substances. Solids, sludges, filter backwash or other pollutants removed or

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<sup>9</sup> The rule provisions in 06-096 CMR 529(e)(1), which specify “Terms and Conditions Applicable to ALL General Permits” (effective January 12, 2001) prohibit stormwater discharges to Class GPA, AA, A or SA waters, or to a body of water having a drainage area of less than 10 square miles as of the date of issuance of this General Permit. However, the statutory provisions from which the rule provisions were derived were amended since the rules were adopted to remove the prohibition on stormwater discharges to these waters if the discharges are in compliance with state and local requirements. The statutory provisions control for purposes of this General Permit. For the applicable statutory provisions, see 38 MRSA 464(4)(A)(1), 465(1)(C)(1), 465(2)(C)(1), and 465-B(1)(C).

<sup>10</sup> Id.

resulting from the treatment of wastewaters shall be disposed of in a manner approved by the Department.

## **Part VIII. DEFINITIONS**

The following terms have the following meanings when used in this General Permit.

Note: Additional definitions are found in 06-096 CMR 520 and in the waste discharge and classification laws, and also is the Sector specific Appendices.

- A. Department. "Department" means the State of Maine Department of Environmental Protection.
- B. Co-located activities. "Co-located activities" means a facility which has operations and activities which meet the description of more than one sector at the same location.
- C. Direct discharge. "Direct discharge" or "point source" means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged."
- D. Industrial Activity. "Industrial Activity" means the discharge from any conveyance that is used for collecting and conveying stormwater and is directly related to manufacturing, processing or raw material storage areas at an industrial plant. See activities listed in Appendices A-AD.
- E. No Exposure. "No Exposure" means that industrial activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff.
- F. Notice of Intent ("NOI"). "Notice of Intent" or "NOI" means a notification of intent to seek coverage under this General Permit made by the applicant to the Department on a form provided by the Department.
- G. Notice of Termination ("NOT"). "Notice of Termination" or "NOT" means a notification of intent to end coverage under this General Permit on a form provided by the Department.
- H. Person. "Person" means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity.
- I. Primarily Engaged. "Primarily engaged" means the activity which generates the greatest revenue or has the greatest number of employees.
- J. Owner or operator. "Owner or operator" means the owner or operator of any "facility or activity" subject to regulation under the NPDES program. In the case of a publicly owned facility or activity, the owner must be included as a licensee in any permit issued under the State NPDES program.
- K. Permittee. "Permittee" means the entity that is covered under this General Permit for discharge of stormwater.
- L. Stormwater. "Stormwater" means storm water runoff, snow melt runoff, and surface runoff and drainage. "Stormwater" has the same meaning as "storm water".



**Table 1. Sectors of Industrial Activity Covered By this Permit**

<b>SIC Code or Activity Code<sup>1</sup></b>	<b>Activity Represented</b>
<b>SECTOR A: TIMBER PRODUCTS</b>	
2411	Log Storage and Handling (Wet deck storage areas only authorized if no chemical additives are used in the spray water or applied to the logs)
2421	General Sawmills and Planing Mills
2426	Hardwood Dimension and Flooring Mills
2429	Special Product Sawmills, Not Elsewhere Classified
2431-2439 (except 2434)	Millwork, Veneer, Plywood, and Structural Wood(see Sector W)
2448,2449	Wood Containers
2451,2452	Wood Buildings and Mobile Homes
2491	Wood Preserving
2493	Reconstituted Wood Products
2499	Wood Products, Not Elsewhere Classified
<b>SECTOR B: PAPER AND ALLIED PRODUCTS</b>	
2611	Pulp Mills
2621	Paper Mills
2631	Paperboard Mills
2652-2657	Paperboard Containers and Boxes
2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes
<b>SECTOR C: CHEMICAL AND ALLIED PRODUCTS</b>	
2812-2819	Industrial Inorganic Chemicals
2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass
2833 -2836	Medicinal chemicals and botanical products; pharmaceutical preparations,; in vitro and in vivo diagnostic substances; biological products, except diagnostic substances
2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products
2861-2869	Industrial Organic Chemicals
2873-2879	Agricultural Chemicals
2873	Facilities that Make Fertilizer Solely from Leather Scraps and Leather Dust
2891-2899	Miscellaneous Chemical Products
3952 (limited to list)	Inks and Paints, Including China Painting Enamels, Indian Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors
<b>SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS</b>	
2951,2952	Asphalt Paving and Roofing Materials
2992,2999	Miscellaneous Products of Petroleum and Coal

**Table 1. Sectors of Industrial Activity Covered By this Permit**

<b>SIC Code or Activity Code<sup>1</sup></b>	<b>Activity Represented</b>
<b>SECTOR E: GLASS CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS</b>	
3211	Flat Glass
3221,3229	Glass and Glassware, Pressed or Blown
3231	Glass Products Made of Purchased Glass
3241	Hydraulic Cement
3251-3259	Structural Clay Products
3261-3269	Pottery and Related Products
3271-3275	Concrete, Gypsum and Plaster Products
3291-3299	Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products
<b>SECTOR F: PRIMARY METALS</b>	
3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
3321-3325	Iron and Steel Foundries
3331-3339	Primary Smelting and Refining of Nonferrous Metals
3341	Secondary Smelting and Refining of Nonferrous Metals
3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals
3363-3369	Nonferrous Foundries (Castings)
3398,3399	Miscellaneous Primary Metal Products
<b>SECTOR G: METAL MINING (ORE MINING AND DRESSING)</b>	
1011	Iron Ores
1021	Copper Ores
1031	Lead and Zinc Ores
1041,1044	Gold and Silver Ores
1061	Ferroalloy Ores, Except Vanadium
1081	Metal Mining Services
1094,1099	Miscellaneous Metal Ores
<b>SECTOR H: COAL MINES AND COAL MINING RELATED FACILITIES</b>	
1221-1241	Coal Mines and Coal Mining-Related Facilities
<b>SECTOR I: OIL AND GAS EXTRACTION AND REFINING</b>	
1311	Crude Petroleum and Natural Gas
1321	Natural Gas Liquids
1381-1389	Oil and Gas Field Services
2911	Petroleum Refineries
<b>SECTOR J: MINERAL MINING AND DRESSING</b>	
1411	Dimension Stone
1422-1429	Crushed and Broken Stone, Including Rip Rap
1442,1446	Sand and Gravel
1455,1459	Clay, Ceramic, and Refractory Materials
1474-1479	Chemical and Fertilizer Mineral Mining
1481	Nonmetallic Minerals Services, Except Fuels
1499	Miscellaneous Nonmetallic Minerals, Except Fuels
<b>SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES</b>	
HZ	Hazardous Waste Treatment Storage or Disposal
<b>SECTOR L: LANDFILLS AND LAND APPLICATION SITES</b>	
LF	Landfills, Land Application Sites , and Open Dumps
<b>SECTOR M: AUTOMOBILE SALVAGE YARDS</b>	

**Table 1. Sectors of Industrial Activity Covered By this Permit**

<b>SIC Code or Activity Code<sup>1</sup></b>	<b>Activity Represented</b>
5015	Automobile Salvage Yards
<b>SECTOR N: SCRAP RECYCLING FACILITIES</b>	
5093	Scrap Recycling Facilities
<b>SECTOR O: STEAM ELECTRIC GENERATING FACILITIES</b>	
SE	Steam Electric Generating Facilities
<b>SECTOR P: LAND TRANSPORTATION AND WAREHOUSING</b>	
4011,4013	Railroad Transportation
4111-4173	Local and Highway Passenger Transportation
4212-4231	Motor Freight Transportation and Warehousing
4311	United States Postal Service
5171	Petroleum Bulk Stations and Terminals
<b>SECTOR Q: WATER TRANSPORTATION</b>	
4412-4499	Water Transportation
<b>SECTOR R: SHIP AND BOAT BUILDING OR REPAIRING YARDS</b>	
3731,3732	Ship and Boat Building or Repairing Yards
<b>SECTOR S: AIR TRANSPORTATION</b>	
4512-4581	Air Transportation Facilities
<b>SECTOR T: TREATMENT WORKS</b>	
TW	Treatment Works
<b>SECTOR U: FOOD AND KINDRED PRODUCTS</b>	
2011-2015	Meat Products
2021-2026	Dairy Products
2032	Canned, Frozen and Preserved Fruits, Vegetables and Food Specialties
2041-2048	Grain Mill Products
2051-2053	Bakery Products
2061-2068	Sugar and Confectionery Products
2074-2079	Fats and Oils
2082-2087	Beverages
2091-2099	Miscellaneous Food Preparations and Kindred Products
2111-2141	Tobacco Products
<b>SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING, LEATHER AND LEATHER PRODUCTS</b>	
2211-2299	Textile Mill Products
2311-2399	Apparel and Other Finished Products Made From Fabrics and Similar Materials
3131-3199 (except 3111)	Leather and Leather Products, except Leather Tanning and Finishing (see Sector Z)
<b>SECTOR W: FURNITURE AND FIXTURES</b>	
2434	Wood Kitchen Cabinets
2511-2599	Furniture and Fixtures
<b>SECTOR X: PRINTING AND PUBLISHING</b>	
2711-2796	Printing, Publishing, and Allied Industries

Table 1. Sectors of Industrial Activity Covered By this Permit	
SIC Code or Activity Code <sup>1</sup>	Activity Represented
<b>SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING INDUSTRIES</b>	
3011	Tires and Inner Tubes
3021	Rubber and Plastics Footwear
3052,3053	Gaskets, Packing, and Sealing Devices and Rubber and Plastics Hose and Belting
3061,3069	Fabricated Rubber Products, Not Elsewhere Classified
3081-3089	Miscellaneous Plastics Products
3931	Musical Instruments
3942-3949	Dolls, Toys, Games and Sporting and Athletic Goods
3951-3955 (except 3952 facilities as specified in Sector C)	Pens, Pencils, and Other Artists' Materials
3961,3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
3991-3999	Miscellaneous Manufacturing Industries
<b>SECTOR Z: LEATHER TANNING AND FINISHING</b>	
3111	Leather Tanning and Finishing
<b>SECTOR AA: FABRICATED METAL PRODUCTS</b>	
3411-3499	Fabricated Metal Products, Except Machinery and Transportation Equipment
3911-3915	Jewelry, Silverware, and Plated Ware
<b>SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY</b>	
3511-3599 (except 3571-3579)	Industrial and Commercial Machinery (except Computer and Office Equipment) (see Sector AC)
3711-3799 (except 3731,3732)	Transportation Equipment (except Ship and Boat Building and Repairing) (see Sector R)
<b>SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS</b>	
3571-3579	Computer and Office Equipment
3612-3699	Electronic, Electrical Equipment and Components, except Computer Equipment
3812	Measuring, Analyzing and Controlling Instrument; Photographic and Optical Goods
<b>SECTOR AD: NON-CLASSIFIED FACILITIES</b>	
N/A	Other stormwater discharges designated by the Department as needing a permit (see 40 CFR 122.26(g)(1)(I)) or any facility discharging stormwater associated with industrial activity not described by any of Sectors A-AC. NOTE: Facilities may not elect to be covered under Sector AD. Only the Department may assign a facility to Sector AD.

<sup>1</sup> A complete list of SIC codes can be obtained from the internet at [www.osha.gov/pls/imis/sicsearch.html?p\\_sic=2411&p\\_search=](http://www.osha.gov/pls/imis/sicsearch.html?p_sic=2411&p_search=) (and conversions from the newer North American Industry Classification System" (NAICS)) can be obtained from the Internet at [www.census.gov/epcd/www/naics.html](http://www.census.gov/epcd/www/naics.html) or in paper form from various locations in the document entitled "Handbook of Standard Industrial Classifications," Office of Management and Budget, 1987. Industrial activity codes are provided on the MSGP Notice of Intent (NOI) application form.

*Co-located Activities.* If the permittee has co-located industrial activities on-site that are described in



**Table 1. Sectors of Industrial Activity Covered By this Permit**

<b>SIC Code or Activity Code<sup>1</sup></b>	<b>Activity Represented</b>
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a sector(s) other than the primary sector, the permittee must comply with all other applicable sector-specific conditions found in Part VI for the co-located industrial activities. The extra sector-specific requirements are applied only to those areas of the facility where the extra-sector activities occur. An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the stormwater regulations, and identified by this General Permit SIC code list. For example, unless the permittee is actually hauling substantial amounts of freight or materials with the facility's own truck fleet or are providing a trucking service to outsiders, simple maintenance of vehicles used at the facility is unlikely to meet the SIC code group 42 description of a motor freight transportation facility. Even though Sector P may not apply, the runoff from the vehicle maintenance facility would likely still be considered stormwater associated with industrial activity. As such, the SWPPP must still address the runoff from the vehicle maintenance facility—although not necessarily with the same degree of detail as required by Sector P—but the permittee would not be required to monitor as per Sector P .